IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

CASE NO. 54129/2020

In the matter between:-

JAN VAN OMMEN	**APPLICANT**
and	
SHERIFF OF THE HIGH COURT, BRONKHORSTSPRUIT	**1ST RESPONDENT**
MARIA GEZINA VAN OMMEN (born LAMAKER)	**2ND RESPONDENT**

JUDGMENT

VORSTER, LI AJ:-

1. The Applicant approaches the Court on a basis of urgency and claims the following relief:-

   "(2) That the First Respondent be directed to sign all documents on behalf of the Second Respondent to effect transfer of the property known as Portion 21 of the Farm No 369, Boschkop, Pretoria, Gauteng Province."

2. The Applicant tenders to pay the costs of the application himself, save if the application is opposed, in which case he claims that the Second
3. Respondent pays the costs.

4. Urgency is in dispute.

5. The Applicant and the Second Respondent were married to each other, but divorced in the Netherlands. The property in question is possessed by them in undivided half shares. A settlement agreement was entered into between the parties at the time of the divorce. That settlement agreement provided for the sale of the property within 3 months by the Applicant and payment to the Second Respondent of an amount which at that stage was agreed. The settlement agreement also provided that, should the property not be sold and transferred within the 3 month period, and it proved to be difficult or impossible to sell it, a process will be followed in terms of RE/MAX Infoglobe by means of a process referred to in clause 1.5 of the settlement agreement. That provided for the marketing and disposal of the property through the agency of RE/MAX.

6. The point is that the settlement agreement provides for the method to dispose of the joint immovable property and payment of the value of the requisite shares in the property. The Applicant alleges that his health is poor and that that is a reason why the matter is urgent to be disposed of. I am not impressed by that argument. The process of battling over the property in question comes for several years and cannot be said to be urgent at this stage when it was never resolved over a lengthy period of time.

7. In the result of the aforegoing, I am not persuaded that the matter is urgent to be heard as an urgent matter disregarding the usual rules of procedure and the order that I make is the application is struck from the roll with costs.

L I VORSTER, AJ

12 April 2021

Counsel: Applicant J B Cilliers

2nd Respindent N. Terblanche